

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re

1633 BROADWAY MARS RESTAURANT
CORP.,

Debtor.

Case No. 08-CV-04543 (TPG)

**NOTICE OF MOTION OF APPELLANT
TO DISMISS DOCKETED APPEAL WITHOUT PREJUDICE**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law dated June 2, 2008, and the Declaration of Constantine D. Pourakis dated June 2, 2008 and exhibits attached thereto, Appellant Paramount Group, Inc., as agent for PGREF I, 1633 Broadway Tower L.P. (“Paramount”) will move this Court before the Honorable Thomas P. Griesa, United States District Judge, 500 Pearl Street, Courtroom 26B, New York, New York, for an Order dismissing Paramount’s appeal, pursuant to Federal Rule of Bankruptcy Procedure 8001(c)(2), from the February 7, 2008 order of the Bankruptcy Court for the Southern District of New York denying, *inter alia*, Paramount’s motion for relief from the automatic stay, which was docketed with this Court on May 16, 2008.

Dated: New York, New York
June 2, 2008

STEVENS & LEE, P.C.

By: /s/ Chester B. Salomon
Chester B. Salomon
Constantine D. Pourakis
485 Madison Avenue, 20th Floor
New York, New York 10022
cs@stevenslee.com
cp@stevenslee.com
(212) 319-8500

-and-

ROSENBERG & ESTIS, P.C.
733 Third Avenue
New York, New York 10017
Howard W. Kingsley
hkingsley@rosenbergestis.com
(212) 867-6000

Counsel for Appellant Paramount Group, Inc., as
agent for PGREF I, 1633 Broadway Tower, L.P.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re

1633 BROADWAY MARS RESTAURANT
CORP.,

Debtor.

Case No. 08-CV-04543 (TPG)

ORDER DISMISSING DOCKETED APPEAL WITHOUT PREJUDICE

Upon the Motion of Appellant Paramount Group, Inc., as agent for PGREF I, 1633 Broadway Tower L.P. ("Paramount") for the dismissal of its appeal, pursuant to Federal Rule of Bankruptcy Procedure 8001(c)(2), from the February 7, 2008 order of the Bankruptcy Court for the Southern District of New York denying, *inter alia*, Paramount's motion for relief from the automatic stay, which was docketed with this Court on May 16, 2008; and the Court having determined the relief sought is proper;

IT IS HEREBY ORDERED AND ADJUDGED:

1. Pursuant to Federal Rule of Bankruptcy Procedure 8001(c)(2), Paramount's appeal of the February 7, 2008 order of the Bankruptcy Court for the Southern District of New York denying, *inter alia*, Paramount's motion for relief from the automatic stay, docketed with this Court on May 16, 2008, is dismissed without prejudice.

2. Costs of the instant appeal are to be borne by the respective parties.

SO ORDERED, this ___ day of June, 2008

Thomas P. Griesa
United States District Judge